Dean Pound regards Kant as the prophet of a new dispensation, who established a new method of legal science,—a new stage of legal development, which characterizes the twentieth century. Kant held that "legal justice" is not immutable. Fate is behind it. "The old natural law called for search for an eternal body of principles to which the positive law must be made to conform. This new natural law called for search for a body of rules governing legal development, to which law will conform do what we may." (p. 163.) "Legal principles are not absolute, but are relative to time and place." (p. 172.) Equity has "sought to prevent the unconscientious exercise of legal rights; to-day we seek to prevent the anti-social exercise of them. Equity imposed moral limitations; the law of to-day is imposing social limitations." (p. 186.)

The author closes with this formula of methodology: "In the past century we studied law from within. The jurists of to-day are studying it from without." (p. 212.) This is a good illustration of one prominent feature of his style of composition. It is compact, and antithetic. He relies much on drawing contrasts. He aims to be plain, and talks straight to the point. He has handled a difficult subject with force and spirit.

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Essays on Constitutional Law and Equity. By Henry Schofield. In Two Volumes. Boston, Chipman Law Publishing Co., 1921. Vol. I, pp. xxiv, 1-456, xxvi. Vol. II, pp. viii, 457-1006.

The late Professor Schofield, of the Law School of Northwestern University, contributed many papers to the Illinois Law Review; and in these volumes the papers are collected by his colleagues.

As the subjects upon which Professor Schofield wrote were usually unsettled contemporary problems, the treatment is, naturally enough, argumentative, rather than expository. Clearness and fairness, combined now and then with a homely thrust, make the papers peculiarly stimulating and attractive.

Take, for example, the first three, covering about one hundred pages. Here the problem discussed is whether a federal question under the Due Process clause of the Fourteenth Amendment is raised whenever a state court, through ignorance of state law, gives an erroneous decision. Is it not true that a state court is an agency of the state? When a state court makes a mistake of law, does not the state through this agency deprive the unsuccessful litigant of life, liberty, or property without due process of law? Such is the author's contention in the first of the papers, which appeared in 1908 and was based upon acute reasoning and upon language used in several opinions of the Supreme Court of the United States. Such is his contention in the second paper, which appeared in 1910. In the third paper, which appeared in 1916, he still makes the same contention; but *Frank v. Mangum* (1915) 237 U. S. 309, 35 Sup. Ct. 582, had been decided meanwhile, and, notwithstanding favorable dicta in that case, the author honestly says:

"There is no clear instance wherein the Supreme Court of the United States reversed a state decision administering the local law of the state on the distinct ground of want of scientia in the state decision on a question of law or a question of fact arising under the local state law so gross as to show that the state decision flowed from abitrary power and not from judicial discretion." (p. 83.)

And again he says:

"It is not easy to tell from the majority opinion, however, whether the court means to say that Frank had no federal right at all that could be denied or abridged by the state of Georgia through its courts, or to say that he did have the federal right stated to have the local law of Georgia concerning jury trial in criminal cases

administered judicially and not arbitrarily, and then to decide that on Frank's own showing the federal right was not denied or abridged by the state of Georgia through its courts. The latter seems to be the correct interpretation of the majority opinion." (p. 90.)

And finally he says:

"Frank's case cannot be regarded as a weighty precedent to support the distinct, separate, and independent federal right of litigants in state courts in cases arising under the local state law to have free, fair, and impartial state tribunals, because the existence of the right was not debated at the bar or on the bench, and its existence plainly is debatable; and because as a matter of fact the court did not protect and enforce any such federal right, but declined to do so, refusing even to hear Frank's claim that the Georgia trial tribunal was not free, fair, and impartial because mob-dominated, which refusal can be supported only on the view that such distinct, separate, and independent federal right does not exist." (p. 101.)

Surely no more honorable concession can be made by a contestant who for years has argued for a doctrine by him believed to be just.

From the quotations already made, the quality of the whole mass of papers may fairly be judged. It is impracticable to make further quotations; but as it is important that both the scholar and the practitioner may know whether these volumes contain matter upon subjects connected with their respective activities, a list of the principal titles will be given. The scope covered is a great part of Constitutional Law and a smaller part of Equity. On Constitutional Law the papers include: the Supreme Court of the United States and the enforcement of state law by state courts; *Swift v. Tyson* and the uniformity of judge-made law in state and federal courts; federal courts and mob domination of state courts; the claim of a federal right to enforce in one state the death statute of another; the doctrine of *Haddock v. Haddock;* full faith and credit *v.* comity and local rules of jurisdiction and decision; new trials and the Seventh Amendment; jury trials in original proceedings for mandamus in the state supreme court; the state tax on Illinois Central gross receipts and the commerce power of Congress; cruel and unusual punishment; petit larceny as an infamous crime involving infamous punishment; religious liberty and Bible reading in public schools; freedom of the press; the obligation of contracts and the street railroad problem in Chicago; the state civil service act and the power of appointment. On Equity the papers cover, among other things, the word "not" as a test of equity jurisdiction to enjoin a breach of contract; so-called equity jurisdiction to construe and reform wills; equity jurisdiction to abate and enjoin illegal saloons as public nuisances; right of workmen to enjoin a threatened strike; irregularity in an execution sale as a foundation of jurisdiction of federal courts to manage insolvent public service corporations. These are the chief papers; and there are many others, almost equally important, in the form of brief comments on recent decisions.

This is a long and varied list; but Professor Schofield's colleagues have arranged the material in logical order, and the result amply justifies the labor of author and of editors. It is true that these volumes will disappoint readers who wish merely a digest of decisions; but they will not disappoint readers who enjoy close reasoning and who give the reasoner permission to argue that both the readers and the courts are wrong.

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Oxford Studies in Social and Legal History. Sir Paul Vinogradoff, Editor. Volume VI. *XI: Studies in the Hundred Rolls: Some Aspects of Thirteenth-Century Administration.* By Helen M. Cam. *XII: Proceedings against the Crown (1216-1377).* By Ludwik Ehrlich. Oxford, Clarendon Press, 1921. pp. x, 198, 274.

In the volumes already published of Professor Vinogradoff's series of Oxford